

SUBDIVISION EXEMPTION CLAIM APPLICATION

1. *Property owner(s) (If more than 2, please attach additional sheets)*

a. Name: _____ Occupation: _____
Address: _____ Phone: _____
City, State, Zip: _____ Email: _____

b. Name: _____ Occupation: _____
Address: _____ Phone: _____
City, State, Zip: _____ Email: _____

2. *Surveyor/Representative*

Name: _____ Firm: _____
Address: _____ Phone: _____
City, State, Zip: _____ Email: _____

Do you intend to create an aliquot parcel to be transferred by deed? _____

3. *Parcel(s) (If more than 2, please attach additional sheets.)*

a. Address: _____
Section: _____ Township: _____ Range: _____
Other legal description: _____
Zoning District: _____ Subdistrict/Density designation: _____
How and **when** the parcel was created (example: Occasional Sale COS 999, 10/3/92): _____
Tax ID Number: _____ Geocode: _____

b. Address: _____
Section: _____ Township: _____ Range: _____
Other legal description: _____
Zoning District: _____ Subdistrict/Density designation: _____
How and **when** the parcel was created (example: Occasional Sale COS 999, 10/3/92): _____
Tax ID Number: _____ Geocode: _____

4. *Type of exemption and reason or justification.*

a. **Gift or sale to immediate family member (“family transfer”):**

<u>Recipient(s)</u>	<u>Relationship to Owner</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

- Attach copies of all deeds, contracts, restrictions and covenants related to this property recorded within the past year.
- Attach proof of relationship (i.e., Birth or Marriage Certificate, Adoption Papers)
- If property owner has used the family transfer exemption in Lake County please provide information regarding the when and to whom the property was transferred.

Date Claimant(s) became sole owner(s) of parcel to be divided: _____

Note: Family Transfer Exemption Claimants are required to meet with the Lake County exemption review agents within 30 days of submittal.

b. Agricultural exemption:

(Covenant running with the land, revocable only by mutual consent of the Commission and the property owner, that the land will be used exclusively for agricultural purposes. No structure requiring water or sewer facilities shall be utilized on this parcel.)

- Description of current and proposed agricultural use: _____

- Attach draft copy of covenant to be recorded with the survey.

c. Relocation of common boundary lines (outside or adjoining a platted subdivision):

- Reason/justification: _____

d. Lot aggregation/relocation of common boundary lines within platted subdivision:

- Reason/justification: _____

e. Security for construction (“mortgage survey”) Please attach:

- A statement of how many interests within the original tract will be created by use of the exemption;
- The deed, trust indenture or mortgage for the exempted interest which states that the interest is being created only to secure a construction mortgage, lien or trust indenture and that the original tract reverts to its former status upon satisfaction of the mortgage;
- A signed, notarized statement explaining who will have title to and possession of the balance of the original parcel after title to the exempted interest is conveyed; and

- A signed, notarized statement from a licensed financial institution that the creation of the interest is necessary to secure a loan.

g. Court Order:

Attach evidence that the exemption is not being used to evade the MSPA

h. Other:

- Type of Exemption being requested: _____
- Reason/justification: _____

5. Intentions for use:

Property owners' and recipients' intentions for the use of each parcel (including existing, new and remainder parcels) (i.e., will the parcel(s) be used for agriculture, residences, etc.?).

6. Intentions for disposition:

7. Required attachments (*Five copies of the completed application and the information listed below*):

- **Site plan** (or draft certificate of survey) showing all existing and proposed structures and proposed property lines. If parcel is in a local zoning district, the site plan should also identify property line setbacks, impervious surface coverage, slopes >25%, and any other information necessary to demonstrate compliance with the zoning district regulations:
- **An ownership and encumbrance report** prepared by a licensed title agency
- **Copies of recorded deeds** documenting present ownership in affected parcels.
- **For divisions of land that will not require a survey pursuant to 76-3-401, copies of proposed deeds for exchange of ownership.**
- **Copies of existing and proposed deed restrictions or covenants**, if any.
- **All documentation in support of the sanitation exemption** (if applicable)

- **Copies of any existing permits for the development on the property** (zoning conformance, floodplain, sanitation, etc) for the subject property.

8. *Acknowledgments:*

I understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act.

I affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act.

I recognize that I may be subject to penalty if my actions are deemed to be an effort to evade subdivision review, as set forth in the Montana Code Annotated:

- 76-3-301(3) If transfers not in accordance with this chapter [i.e., Chapter 3, Local Regulation of Subdivisions] are made, the county attorney shall commence action to enjoin further sales or transfers and complete compliance with all provision of this chapter. The cost of such action shall be imposed against the party not prevailing.
- Violations. Any person who violates any provision of this chapter [i.e., Chapter 3, Local Regulation of Subdivisions] or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense.
- 45-7-201 Perjury.
 - 1) A person commits the offense of perjury if in any official proceeding he knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made, when the statement is material.
 - 2) A person convicted of perjury shall be punished by imprisonment in the state prison for any term not to exceed 10 years or shall be punished by a fine of not more than \$50,000, or by both such fine and imprisonment.
 - 3) Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.
 - 4) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon oath or affirmation at any time when the offender presents it as being so verified shall be deemed to have been duly sworn or affirmed.
 - 5) No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.
 - 6) Where the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.
 - 7) No person shall be convicted of an offense under this section where proof of falsity rests solely upon the testimony of a single person other than the defendant.
- 45-7-202 False swearing
 - 1) A person commits the offense of false swearing if he knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of such a statement previously made when he does not believe the statement to be true and:
 - (a) the falsification occurs in an official proceeding;
 - (b) the falsification is purposely made to mislead a public servant in performing his official function; or
 - (c) the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

